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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,186	10/08/2003	Hideo Teramoto	117479	5397

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OLIFF & BERRIDGE, PLC  
P.O. BOX 19928  
ALEXANDRIA, VA 22320

EXAMINER
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KARKHANIS, AASHISH

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/21/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/680,186

Applicant(s)

TERAMOTO ET AL.

Examiner

Aashish Karkhanis

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 5/3/04, 8/23/06 2/5/07
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Oath/Declaration***

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:  
It does not identify the citizenship of each inventor.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 27 – 36 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical “things.” They are neither computer components nor statutory processes, as they are not “acts” being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. Further, language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. A program that has the intended use of being used in a computer system is nonstatutory because it must be claimed as part of a computer system.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 – 8 and 10 – 21 are rejected under 35 U.S.C. 102(b) as being

anticipated by Gamezone. Burnout Review. 2/12/2007

(<http://xbox.gamezone.com/gzreviews/r19113.htm>).

Regarding Claims 1 – 2, 6, 8, 10 and 15, Gamezone discloses an image generation method for generating an image including performing processing of moving first and second moving objects in an object space, generating an image viewed from a given viewpoint in the object space (p. 1, para. 1; where multiple cars race on a virtual track in a video game system and a non player controlled car is a second moving object and a player controlled car is a first moving object), performing processing of changing a value of a first parameter of the second moving object when it is determined that the first moving object and the second moving object have been in an approach relation, generating an action change event in which action of the second moving object changes when it is determined that the value of the first parameter of the second moving object has reached a threshold value, and determining that the first and second moving objects have been in the approach relation when a time difference between the first and second moving objects becomes smaller than a given set time difference, wherein the time difference between the first and second moving objects is determined to be smaller

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than the given set time difference when the first moving object is positioned within a given distance range which increases as a speed of the second moving object increases (p. 2, para. 5; where a "near miss" between two cars generates an award action change event which increases the amount of energy in a boost meter when two cars approach each other within a certain distance or time difference range, and where a threshold is a predetermined distance between two cars which qualifies as a distance to activate a near miss action change event), and resetting or decreasing the value of the first parameter of the second moving object which has changed due to the approach relation, when the first moving object is positioned outside first and second distance ranges which are set in front of and behind the second moving object, respectively, and leaving the value of the first parameter unchanged when the first moving object is positioned in the first distance range which is set in front of the second moving object, and changing the value of the first parameter of the second moving object at a higher change rate as a distance between the first and second moving objects increases in a direction which intersects a traveling direction at right angles when the first moving object is positioned in a third distance range which is set behind the second moving object (p. 2, para. 5; where a near miss can occur at any angle when two cars are approaching each other, where a first parameter is a boost meter of a non-player car which does not receive a boost, and where a second parameter is a boost meter of a car attempting a Near Miss action change event, which does change after the action change event).

Regarding Claims 3 – 4 and 7, Gamezone discloses an image generation method, wherein the value of the first parameter of the second moving object is changed when the first moving object is positioned within the given distance range which increases as the speed of the second moving object increases and a ratio of a speed of the first moving object to the speed of the second moving object is equal to or greater than a given set ratio, wherein the value of the first parameter of the second moving object is changed at a higher change rate as the time difference between the first and second moving objects decreases (p. 2, para. 5; where a Burn Meter Score increases as more high pressure moves are completed, and increases faster as more complicated pressure moves are completed).

Regarding Claim 5, Gamezone discloses an image generation method, wherein the value of the first parameter of the second moving object is changed up to the threshold value when the time difference between the first and second moving objects is smaller than an intermediate set time difference which is smaller than the given set time difference, and the value of the first parameter of the second moving object is changed up to an intermediate value which is smaller than the threshold value when the time difference between the first and second moving objects is greater than the intermediate set time difference and is smaller than the given set time difference (p. 2, para. 5; where a Burn Meter Score increases during a Near Miss only if a player car is sufficiently close to another car).

Regarding Claims 11 – 14, 16, Gamezone discloses an image generation method wherein, when a plurality of the second moving objects move in the object

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space, at least one of the threshold value and a change rate of the first parameter is set for each of the second moving objects, wherein at least one of the threshold value and the change rate of the first parameter of each of the second moving objects is set according to a relative relation between the first moving object and each of the second moving objects, wherein a length of the parameter display object is increased as the threshold value of the first parameter set for each of the second moving objects is greater, the parameter display object being displayed associating with each of the second moving objects (p. 2, para. 5; where a "near miss" between any two cars generates an award action change event when two cars approach each other within a certain distance or time difference range).

Regarding Claims 17 – 21, Gamezone discloses an image generation method, wherein the first parameter of the second moving object is a pressure parameter which virtually indicates a degree of pressure applied to the second moving object (p. 2, para. 5; where a Burn Meter Score increases as more high pressure moves are completed).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9 and 22 – 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gamezone.

Regarding Claim 9, Gamezone discloses an image generation method, wherein the third distance range is a distance range, but does not disclose a distance range which increases as a speed of the second moving object increases. However, it would have been obvious to one of ordinary skill at the time of the invention to have modified the image generation method with generic distance range which may or may not change as disclosed by Gamezone, with a specific variable distance range in order to increase challenge and excitement for a player by providing a more varied game experience.

Regarding Claims 22 – 26, Gamezone discloses an image generation method, but does not disclose changing game sound to be output according to the change in the value of the first parameter. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the image generation method with sound (p. 3, Sound) of Gamezone with a changing sound for a pressure meter in order to increase audio feedback for a player as is notoriously well known in the art of video games, and specifically status related sound effects in video games.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wikipedia. Crazy Taxi. 2/12/2007 ([http://en.wikipedia.org/wiki/Crazy\\_Taxi](http://en.wikipedia.org/wiki/Crazy_Taxi)).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aashish Karkhanis whose telephone number is (571) 272-2774. The examiner can normally be reached on 0800-1630 M-F.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ARK

A handwritten signature in black ink, appearing to read "Corbett B. Coburn", followed by a stylized flourish or checkmark.

**CORBETT B. COBURN  
PRIMARY EXAMINER**